

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA)
)
vs.) No. 2:18-CR-54.13
)
PHILLIP RAY ROBINSON)

ORDER

Magistrate Judge C. Clifford Shirley filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of Count One of the Indictment, that is, of conspiracy to distribute five grams or more but less than 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charges of the lesser included offense of Count One of the Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [R. 503]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [R. 503] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of Count One of the

Indictment, that is of conspiracy to distribute five grams or more but less than 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(B), is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense of Count One of the Indictment;
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **May 28, 2020, at 1:30 p.m.** before the Honorable Pamela L. Reeves, United States District Judge.

SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE